

## **EXHIBIT 12**

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 001	00/00/0000	C100-000026	York 23	Handwritten Notes re Pechiney Competition	FRE 402 (relevance), FRE 403, MIL, FRE 901 (authentication)	Pending Agreement; FRE 402, 403; R-MIL
DX 002	00/00/0000			Produced version of transcript of speech by Earl Hatley (Allied Corporation)	FRE 901 (authentication), NBD	FRE 901
DX 003	00/00/0000	CR010-000256-000259	Deily 37	License Agreement	FRE 402 (relevance), FRE 403	FRE 401, 402, 403
DX 004	00/00/0000	CR010-007716	Mize 05; Deily 04; Gardner 02; Prosser 03	Cryovac North American Organization by employee and position		
DX 005	00/00/0000	CR014-000687 - 000688	York 21	Handwritten Notes re Differences Between Pechiney and COV Proposals	FRE 1003 (illegible), FRE 901 (authentication)	Pending Agreement; FRE 1003
DX 006	00/00/0000	NBW 00003	Wilkerson 12	Handwritten Notes re Jeff/Anthony-Hyatt	FRE 801/802 (hearsay), FRE 1003 (illegible)	FRE 801, 1003
DX 007	00/00/0000	PPPI-E 056533 - 056539	Kitchel 15	Spreadsheet of National Beef Bags Summary	FRE 801/802 (hearsay), FRE 1003 (illegible), FRCP 26	Pending Agreement; FRE 801, 1003, FRCP 26
DX 008	00/00/0000			List of Documents Reviewed for Mount's Report		
DX 009	00/00/0000	NBJ 00526	Wilkerson 27	Spreadsheet re Cryovac/Pechiney/Curwood Comparison Cost (Revised)	FRE 801/802 (hearsay)	FRE 803 (6)
DX 010	00/00/0000	A 0328-0329; PPP I 002285-002286		Curwood ArmorX and SealSafe Ad	FRE 801/802 (hearsay)	FRE 801
DX 011	00/00/0000	A 1558-1583		Benning Report	FRE 801/802 (hearsay), FRE 403, FRE 901 (no date)	FRE 403, 801, 901

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

NOTE: Pechiney believes that the parties have been working diligently together to streamline the parties' respective exhibit lists and objections. As per the parties' previous "meet-and-confer" on the pretrial order, and in light of the Court's summary judgment rulings, Pechiney intends to update its list in advance of the pretrial conference.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 012	00/00/0000	B 2399-2412;PPP 006867-006880		Plotted Data Points for Product Test Runs; Tab U from Kimmel's Expert Report		
DX 013	00/00/0000	PPPI 001996-001998	Mueller 11	Cause and Effect Diagram re Adhesion in Multilayer Oriented Film		
DX 014	00/00/0000	PPPI 002110-002111	Mueller 06	Data re Layers 1-7 Embodiments and Materials		
DX 015	00/00/0000	PPPI-E 001494-001500	Buelow 05	Duane Buelow's "Differentiating Technology: Clearshield - Clearly Superior Puncture Protection"		
DX 016	00/00/0000		Shah 07	Print of drawing as originally filed	FRE 106 (completeness)	FRE 106, FRCP 26
DX 017	00/00/0000	C100-000150-00 0153	Wilson 06; Wilson 12	Conditions of Sale	FRE 402 (relevance), FRE 403	FRE 402, 403
DX 018	00/00/0000		Evans 04	Excerpt from The Law and Business of Patent and Know-How Licensing 4th Ed.		
DX 019	00/00/0000		Douglas 30(b)(6) 02	Spreadsheet of Specification Sheet Numbers and Corresponding Pechiney Production Bates Numbers		
DX 021	00/00/0000	PPPI 013031-013035	Grabowski 11	Handwritten Notes re National Beef Pricing	FRE 801/802 (hearsay), FRE 1003 (illegible)	Pending Agreement; FRE 1003;
DX 022	00/00/0000	CR006-009314		Market Share Survey by Bob Hartwell	FRE 106 (completeness), FRE 402 (relevance), FRE 403, MIL	FRE 106, 402, 403; R-MIL
DX 024	00/00/0000	CR006-004596		Cryo PP Slide - Competition	FRE 901 (authentication), FRE 106 (completeness), FRE 403, NBD, FRE 402 (relevance), MIL	FRE 106, 402, 403; R-MIL

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 033	00/00/0000	CR013-000123		Tommy Kay Notebook Excerpt re: FDX 1568-1569		
DX 034	00/00/0000	PPPI 001996-001998		Cause & Effect Diagram Adhesion in Multilayer Oriented Film		
DX 035	00/00/0000	PPPI 002691-002692		Advertisement - Cryovac TBG Bags Give you Improved Protection Where you Need it		
DX 036	00/00/0000	PPPI 004489-004490		Clear Shield Development Plan	FRE 801/802 (hearsay), FRE 901 (authentication)	Pending Agreement; FRE 901;
DX 037	00/00/0000	PPPI 005713-005714		Lari Competitive Raw Material Costs	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403, 803(e)
DX 038	00/00/0000	PPPI 007328-007333		Clearshield Shelf Life Study Percent Purge	FRE 901 (authentication), FRE 402 (relevance), FRE 801/802 (hearsay)	Pending Agreement; FRE 402;
DX 039	00/00/0000	PPPI 007674-007675		Boneguard Development	FRE 901 (authentication), FRE 402 (relevance), FRE 403, FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403;
DX 040	00/00/0000	PPPI 007824-007826		Kuhne 180 mm Wide Boneguard Variables	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403
DX 041	00/00/0000	PPPI 007827-007829		Kuhne 270 mm Wide Boneguard Variables	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403
DX 042	00/00/0000	PPPI 007830-007831		Kuhne 430 mm Wide Boneguard Variables	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 043	00/00/0000	PPPI 008068-008085		8274-2 Analysis of 180MM Wide Boneguard Candidates	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403
DX 044	00/00/1967	PPPI 001424-001426		Wordingham Dictionary of Plastics	MIL, FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403; R-MIL
DX 045	00/00/1968	PPPI 001427-001437		Whittingtons Dictionary of Plastics	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403,
DX 046	00/00/1968	PPPI 010957-010960		Pages from Webster's New World Dictionary from 1968	MIL, FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403; R-MIL
DX 047	01/01/1968	A 0361-0368		Sweeting Book with Additional Page	FRE 801/802 (hearsay)	FRE 801
DX 048	00/00/1973	PPPI 001438-001446		Alfrey; Multilayer Thermoplastics Sheets and Films; Block and Graft Copolymers	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 049	05/07/1973	PPPI 001447-001455		Schenk; Flat Die Coextrusion of Film and Sheet by the Feedblock Method	MD (multiple docs), MIL, FRE 801/802 (hearsay), FRE 403	FRE 403; R-MIL
DX 051	03/00/1974	PPPI 008380-008383		Schenk; "Multilayer film from a single die" from Plastics Engineering	FRE 403, FRE 801/802 (hearsay)	FRE 403, 801
DX 058	11/26/1976	PPPI 001473-001478		Han, Studies on Multilayer Film Coextrusion II. Rheology of Blown-Film Coextrusion	FRE 403, FRE 801/802 (hearsay)	FRE 403, 801
DX 059	11/15/1977	PPPI 000327-000334		US Patent Number 4,058,647 RE Process for Preparing Laminated Resin Product		
DX 060	02/21/1978	PPPI 001479-001483		Hessenbruch; Reinforcement is RIMS New Dimension	NBD (wrong title), FRE 403, FRE 801/802 (hearsay)	FRE 403, 801
DX 062	00/00/1980	PPPI 001484-001497		Schrenk; Multilayer Polymer Flow...	FRE 403, FRE 801/802 (hearsay)	FRE 403, 801

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 063	01/08/1980	PPPI 000818-000837		US Patent Number 4,182,457 RE Multilayer Container	FRE 403	FRE 403
DX 064	10/21/1980	PPPI 000340-000350		US Patent Number 4,229,241 RE Process for Making a Multilayer Polyolefin Shrink Film	FRE 403	FRE 403
DX 065	01/01/1981	PPPI 013571-013592		1981 Webster's Dictionary Pages	MIL, FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403; R-MIL
DX 067	05/17/1981	PPPI 001535-001776		Coextrusion Comes of Age	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 070	08/18/1981	PPPI 000838-000843	Shah 12	US Patent Number 4,284,674 RE Thermal Insulation		
DX 072	04/01/1982	PPPI 000971 - 000998	Mount 14	European Patent Publication Number: 0 063 006 A1 - EVOH Copolymer Blend. A process for Producing a Composite Film Therefrom and the Composite Film Per Se		
DX 076	09/07/1982	PPPI 000366-000371		US Patent Number 4,348,437 RE Puncture - Resistant Heat Shrinkable Multilayer Packaging Film	FRE 403	FRE 403
DX 078	10/26/1982	PPPI 000844-000852		US Patent Number 4,355,721 RE Package for Food Products	FRE 403	FRE 403
DX 082	11/30/1982	PPPI 000391-000394		US Patent Number 4,361,628 RE Coextruded Film of Polypropylene Polypropylene Blend and Nylon		
DX 083	01/01/1983	PPPI 013987-014029		Benning Treatise	NBD	
DX 084	01/01/1983	PPPI 008443-8451		Article - Study of Barrier Properties of Polymeric Films to Various Organic Aromatic Vapors (07.30.83)	FRE 801/802 (hearsay)	FRE 801

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 085	01/01/1983			Webster's Dictionary (1983) - "arranged"	MIL, FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403; R-MIL
DX 091	06/12/1983	PPPI 013473-013482		Gilbert: Environmental and Material Composition Effects on Film Permeability as Related to Meat Packaging	FRE 801/802 (hearsay), MD (multiple docs)	FRE 801, NMD
DX 093	07/30/1983	PPPI 008443-008451		Gilbert, "Study of Barrier Properties of Polymeric Films to Various Organic Aromatic Vapors" from Instrumental Analysis of Foods Recent Progress, Volume 1	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 095	08/16/1983	PPPI 000853-000858		US Patent Number 4,398,635 RE Child - Proof Medication Package	FRE 403	FRE 403
DX 096	08/23/1983	PPPI 000859-000863		US Patent Number 4,400,428 RE Sealable Multilayer Films	FRE 403	FRE 403
DX 097	09/20/1983	PPPI 000864-000870		US Patent Number 4,405,667 RE Retortable Packaging Structure	FRE 403	FRE 403
DX 100	10/04/1983	PPPI 000871-000875		US Patent Number 4,407,873 RE Retortable Packaging Structure	FRE 403	FRE 403
DX 102	12/20/1983	PPPI 000876-000881		US Patent Number 4,421,823 RE Flexible Wrapping Material and Method of Manufacture	FRE 403	FRE 403
DX 106	01/01/1984		Mount 09	Recent Development in Blown Film Coextrusion by Rolf Hessenbruch	FRE 801/802 (hearsay)	FRE 801
DX 113	07/03/1984	PPPI 000882-000888		US Patent Number 4,457,960 RE Polymeric and Film Structure for Use in Shrink Bags	FRE 403	FRE 403
DX 114	08/07/1984	PPPI 000889-000900		US Patent Number 4,464,443 RE Drying Agent in Multi - Layer Polymeric Structure	FRE 403	FRE 403

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 117	09/01/1984	PPPI 001189-001200		Hessenbruch; Polymers Laminations and Coatings Conference Westin Copley Place Boston MA 09/24/0000 - 09/26/0000 Book 1	FRE 801/802 (hearsay)	FRE 801
DX 118	09/01/1984	PPPI 001212-001218		Schrenk; New Developments in Coextruded High Barrier Plastic Food Packaging	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 122	10/00/1984	PPPI 001238-001243		Browning; The Techniques of Coextrusion	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 123	12/14/1984		Mount 11	Nylon Film Effective Packaging by The Journal of Commerce	FRE 801/802 (hearsay)	FRE 801
DX 124	12/14/1984	PPPI 008457-008460		"Nylon Film Effective Packaging" from The Journal of Commerce	FRE 801/802 (hearsay)	FRE 801
DX 125	00/00/1985	C200-000279-28		Tubridy Article	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 127	01/01/1985	PPPI 008492-8498		Allied press release re "Rutgers Study Confirms Nylon Barrier Properties for Food and Other Sensitive Packaging"	FRE 901 (authentication), FRE 801/802 (hearsay), NBD, FRE 106 (completeness)	FRE 106, 801, 901
DX 129	01/22/1985	PPPI 000901-000907		US Patent Number 4,495,249 RE Heat Shrinkable Multi - Layered Laminate Film	FRE 403	FRE 403
DX 130	01/30/1985	CR009-000065	Kay 04	Fox 1533 Handwritten Notes		
DX 131	01/31/1985	A 1596-1597		Tommy S. Kay Laboratory Research Notebook CR013-000218	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 132	01/31/1985	CR013-000166-000219	Kay 05	Tommy S. Kay Research Laboratory Research Notebook	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 136	02/20/1985	C 2429-2441		Allied Corp. Memorandum: Flavor And Aroma Barrier Test Program Second Phase - S.G. Gilbert, Rutgers University (02/20/1985)	FRCP 26, FRE 801/802 (hearsay), FRE 403, NBD	Pending Agreement; FRE 403, FRCP 26
DX 139	02/26/1985	PPPI 000908-000914		US Patent Number 4,501,797 RE Unbalanced Oriented Multiple Layer Film		
DX 140	02/26/1985	PPPI 000915-000923		US Patent Number 4,501,798 RE Unbalanced Oriented Multiple Layer Film		
DX 142	03/29/1985	CR033 001046-001056	Fant 02	Memo Davis-to-Bradute, Cole, Engelmann, Esakov, Fant, Frierich, Lulham, Mueller, Schirmer, Shriver, Walters, Wofford, Young re Effect of Melt Orientation on Thermoforming Properties	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 143	04/00/1985	PPPI 001313-001323		Blackwell, Ethylene Vinyl Alcohol Resins	FRE 801/802 (hearsay)	FRE 801
DX 144	04/02/1985	CR009-000063 - 000065	Shah 03; Shah 30b6 02; Kay 03; Fuller 02; Stringer 02, Stringer 03	Handwritten Notes re Oxygen Barrier Fox 1570		
DX 145	04/03/1985	CR009-000061 - 000062	Shah 04; Shah 30b6 04; Kay 06; Fuller 04; Stringer 06	Handwritten Notes re Oxygen Barrier Fox 1572		
DX 146	04/16/1985	PPPI 000597-000605	Mount 06	US Patent Number 4,511,610 RE Multi - Layer Drawn Plastic Vessel		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 147	04/24/1985	CR013-000086-000101	Kay 08; Shah 30(b)(6) 03; Shah 13; Stringer 07; Fuller 12	Technical Report - Properties of Seven Layer Oxygen Barrier Shrink Films (04/24/85)	FRE 106 (completeness)	FRE 106, FRCP 26
DX 148	04/30/1985	CR013-000054 - 000055	Shah 15	New products and processes product line - RD&E and Equipment	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 149	04/30/1985	PPPI 000924-000940		US Patent Number 4,514,465 RE Storm Window Film Comprising at Least Five Layers	FRE 403	FRE 403
DX 150	05/00/1985	PPPI 001324-001333		News in Extrusion - Plastics Technology	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 151	05/31/1985	CR013-000056 - 000058	Shah 16	New products and processes product line - RD&E and Equipment	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 152	05/31/1985	PPPI 011139-011153		Patent Cross-License Agreement between Toyo Seikan Kaisha Limited and American Can Company	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 153	06/00/1985	CR056-000227-228	PTX 005	Supp Information Disclosure Statement - 419 Prosecution History		
DX 156	06/30/1985	CR013-000059 - 000061	Shah 17	New products and processes product line - RD&E and Equipment	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 157	07/01/1985		Mount 08	Ethylene Vinyl Alcohol Resins as a Barrier Material in Multi-Layer Packages by A.L. Blackwell	FRE 801/802 (hearsay)	FRE 801
DX 158	07/16/1985	CR013-000043 - 000046	Shah 25; Fuller 09	Analytical Services Technical Service Request re low level nylon blends to eliminate spot phenomenon in oxygen barrier film	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 160	07/30/1985	PPPI 000941-000949		US Patent Number 4,532,189 RE Linear Polyethylene Shrink Films		
DX 161	07/31/1985	CR013-000062 - 000065	Shah 18	Research Development & Engineering and Equipment Monthly Progress and Financial Report	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 164	08/14/1985	CR012-000086 - 000088	Quatt 11; Kimmel 20	Japanese Patent 60-27000	FRE 901 (no date), NBD, FRE 403	FRE 403, 901
DX 165	08/31/1985	CR013-000066 - 000069	Shah 19	New products and processes product line - RD&E and Equipment	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 168	09/05/1985	PPPI 008492 - 008498	Mount 10	Rutgers Study Confirms Nylon Barrier Properties for Food and Other Sensitive Packaging	FRE 801/802 (hearsay), NBD, FRE 901 (authentication), FRE 403	FRE 403, 801, 901
DX 169	09/05/1985		Mount 23	Article: Optimise Barrier Coextrusion	FRE 901 (authentication), FRE 801/802 (hearsay), NBD, FRE 403	FRE 403, 801, 901
DX 170	09/06/1985	PPPI 008461-008675	Mount 24	Coextrusion III, Society of Plastic Engineers, Chicago Section/Extrusion Division Conference Committee	FRE 801/802 (hearsay)	FRE 801
DX 172	09/30/1985	CR013-000070 - 000073	Shah 20	Oxygen barrier film product line	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 173A	10/11/1985	C200-000240-00 0325		Handout re Proceedings at COEX 1985	FRE 901, FRE 403, FRE 801/802 (hearsay)	FRE 403, 801, 901
DX 174	10/31/1985	CR013-000074 - 000077	Shah 21	Oxygen barrier film product line	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 176	11/12/1985	PPPI 000658-000662		US Patent Number 4,552,714 RE Process for Producing Coextruded Film Polypropylene Polypropylene Blend and Nylon	FRE 403	FRE 403

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 178	11/30/1985	CR013-000078 - 000080	Shah 22	Oxygen barrier film product line	FRE 402 (relevance), FRE 403 (jury confusion), NBD	FRE 402, 403
DX 180	12/10/1985	PPPI 000950-000959		US Patent Number 4,557,780 RE Method of Making Oriented Polymeric Film	FRE 403	FRE 403
DX 182	12/31/1985	CR013-000081 - 000085	Shah 14	Research Development & Engineering and Equipment Monthly Progress and Financial Report		
DX 183	12/31/1985	PPPI 000960-000965		US Patent Number 4,561,920 RE Biaxially Oriented Oxygen and Moisture Barrier Film	FRE 403	FRE 403
DX 184	01/01/1986	PPPI 013546-013570		1986 Webster's Dictionary Pages	FRE 402 (relevance), FRE 403 (jury confusion), MIL	FRE 402, 403; R-MIL
DX 185	01/14/1986	CR013-000112 - 000165	Shah 05; Kay 02; Fuller 03; Stringer 05	Tommy Kay's Research Lab Notebook		
DX 187	02/25/1986	PPPI 000683-000691	Mount 07; Quatt 06	U.S. Patent No. 4,572,854		
DX 188	03/21/1986	CR009-000188- 212		Application as Filed for '419 Patent		
DX 189	03/21/1986	CR009-000009 - 000329	Quatt 03	Patent Document	NBD	
DX 190	03/21/1986	CR009-000190 - 000211	Shah 06	Oxygen Barrier Shrink Film: Background, Summary, Definition, Drawing Description, Preferred Embodiment Descriptions, Examples 1-2, Abstract of the Disclosure	FRE 106 (completeness)	FRE 106, FRCP 26

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 190A	03/21/1986	CR009-000185-000212	Shah 06	Oxygen Barrier Shrink Film: Background, Summary, Definition, Drawing Description, Preferred Embodiment Descriptions, Examples 1-2, Abstract of the Disclosure (Complete as produced)		
DX 191	03/21/1986	CR009-000188-000189	Shah 08; Kay 07; Fuller 15; Stringer 10	Combined Declaration and Power of Attorney-Sole Inventor		
DX 192	03/21/1986	CR009-000113-000114	Shah 24; Fant 05	Supplemental Information Disclosure Statement	NBD	
DX 193	03/21/1986	CR056-000232-253		Application as originally filed for 419 patent - specs & claims	FRE 106 (completeness)	FRE 106, FRCP 26
DX 196	05/13/1986	PPPI 000966-000970		US Patent Number 4,588,648 RE Multiple Layer Plastic Film Having Polypropylene Adhered to Nylon	FRE 403	FRE 403
DX 197	05/13/1986	CR033-000613-000614	Fuller 13	Memo Fuller-to-Shah re Oxygen Film	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 198	07/01/1986	CR056-000257-262		Information Disclosure Statement - 419 Prosecution History		
DX 199	08/26/1986	PPPI 000701-000709	Mount 15	US Patent Number 4,608,286 RE Gas Barrier Multilayer Packaging Material Having Excellent Flexing Endurance		
DX 200	09/09/1986			U.S. Patent No. 4,610,914	FRE 403	FRE 403
DX 201	09/16/1986	PPPI 000710-000716		US Patent Number 4,612,221 RE Multilayer Food Wrap with Cling	FRE 403	FRE 403
DX 202	10/09/1986	CR009-000163		Information Disclosure Statement - 419 Prosecution History		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 203	10/14/1986	PPPI 000717-000721		US Patent Number 4,617,240 RE Coextruded Film of Polypropylene Polypropylene Blend and Nylon	FRE 403	FRE 403
DX 205	11/20/1986	CR056-000276-282		Office Action - 419 Prosecution History		
DX 206	12/08/1986	PPPI 010313 - 010316	Quatt 07	Communication U.S. Chamber of Commerce: Patent and Trademark Office-to-Quatt re Rejection of Claims 14-18		
DX 208	12/31/1986	PPPI 011154-011173		License and Technical Assistance Agreement between American Can Packaging Inc. and Rockware Plastic Developments Ltd.	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 209	00/00/1987	PPPI 014299-014306		Encyclopedia of Polymer Science and Engineering, Second Edition, vol. 7. copyrighted- 1987.	FRCP 26, FRE 402 (relevance), FRE 403 (unfair prejudice)	FRE 402, 403
DX 210	02/03/1987		Mount 12	U.S. Patent 4,640,852 of Multilayer Films Containing Oriented Layers of Nylon and Ethylene Vinyl Alcohol Copolymer		
DX 211	02/09/1987	CR056-000273-275		Information Disclosure Statement - 419 Prosecution History		
DX 212	02/13/1987	CR056-000267-270		Amendment - 419 Prosecution History		
DX 213	02/27/1987	CR012-001555 - 001599	Quatt 10; Fant 08	European Patent Application 0 236 099	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 214	03/10/1987	PPPI 000758-000771		US Patent Number 4,649,004 RE Process for Production of Multi-Layer Pipes for Draw - Forming	FRE 403	FRE 403

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 215	03/13/1987	CR033-000624 - 000625	Shah 10; Kay 09; Fuller 08; Stringer 09	Memo Shah-to-Brown/Glover re Specs for Line 11	FRE 402 (relevance)	FRE 402
DX 217	04/01/1987	PPPI 008452-008456		Journal of Food Science Article		
DX 218	05/08/1987	CR056-000283-284		Information Disclosure Statement - 419 Prosecution History	FRE 106 (incomplete document - Missing the "attached 1449 Form")	FRE 106, FRCP 26
DX 219	05/08/1987	CR009-000130-134		Final Office Action - 419 Prosecution History		
DX 221	05/22/1987	CR056-000222-225		Amendment After Final Rejection - 419 Prosecution History		
DX 222	08/03/1987	PPPI 010318 - 010321	Quatt 08	Amended Patent Application		
DX 224	01/12/1988	PPPI 010400 - 010402	Quatt 09	Information Disclosure Statement Quatt-to-Fant		
DX 226	03/14/1988	CR056-000204-210		Abandonment & Drawing Compliance - 419 Prosecution History	FRE 106 (completeness)	FRE 106, FRCP 26
DX 228	05/24/1988	PPPI 000800-000805	Kay 11; Kimmel 18; Mount 03; Quatt 04; Shah 23; Wilkes 12; Fant 03	US Patent Number 4,746,562 RE Packaging Film		
DX 229	06/28/1988		Quatt 05; Fant 04	United States Patent Number 4,753,700, June 28, 1988 - Packaging Film		
DX 230	07/05/1988		Buelow 01; Kay 10; Kimmel 17; Mount 01;	U.S. Patent 4,755,419 - Oxygen Barrier Oriented Shrink Film		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
			Mueller 01; Nawrocki 04; Quatt 02; Shah 02; Taylor 09; Wilkes 03; Ahlgren 02; Fant 06; Fuller 16; Garland 03; Stringer 11; Wofford 03; York 02			
DX 231	07/05/1988	CR056-000001-194		File Wrapper for Patent No. 4,755,419: CR056 Documents		
DX 233	06/06/1989	CR009-006590-006601	Deilly 39	United States Patent Number 4,837,084, January 6, 1989 - Thermoplastic Multi-layer Packaging Film and Bags Made Therefrom		
DX 234	09/05/1989		Deilly 38	United States Patent Number 4,863,769 - Lustig Patent		
DX 235	12/19/1989		Mount 17	U.S. Patent 4,888,237 of Process for Manufacturing a Metallized Polyolefin Film and Resulting Film		
DX 236	10/07/1991	PPPI 011174-011192		Patent and Trade Secret License and Technical Assistance Agreement (Plastic Bottles) between American National Can Company and American National Can Canada, Inc. Attached amendment to technical assistance agreement	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 237	10/08/1991	PPPI 000814-000817	Mount 05; Wilkes 13	U.S. Patent No. 5,055,355 RE Oriented Film Laminates of Polyamides and Ethylene Vinyl Alcohol		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 238	06/01/1995	CR030-009544-009566	Garland 08	High Abuse BDF Development	FRE 402 (relevance)	FRE 402
DX 239	08/01/1995	PPPI 011193-011204		License Agreement between American National Can Company and Silgan Containers Corporation	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 240	03/27/1996	CR061-000012-000019	Deily 36	Cross-License Agreement		
DX 241	11/11/1997		Deily 40	United States Patent Number 5,686,126, November 11, 1997 - Dual Web Package Having Improved Gaseous Exchange	FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 242	12/01/1997	CR030-005050-005098	Garland 14	Report on LID 1050 Package Development		
DX 243	01/21/1998	CR047-003516-003517	Wilkerson 30	Letter Mize-to-Packard re Key Points of Agreement for Next 3 Contact Years		
DX 244	02/04/1998	CR010-001950 - 001952	Mize 09	Cryovac Memo Mize - to - Whisenant, Boland, Deily, Devall, Glenn re National Beef Agreement		
DX 245	07/20/1998	PPPI 012853	Grabowski 01	Letter Grabowski-to-Graham, R. Taylor, B. Taylor, Brucks re Pricing for Chub Film and Business Proposal for National Beef	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 246	01/01/1999			Film Processing Article by Kanai and Campbell		
DX 247	01/20/1999	CR006-001571-001574	Deily 24	National Beef/Cryovac Meeting Agenda		
DX 248	09/13/1999	PPPI 012513-012513A	Grabowski 04	Letter Grabowski to Wilkerson, R. Taylor, B. Taylor, Brucks re Liberal and Dodge City Pricing for Chub Film	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 249	10/20/1999	PPPI 012832-012845	Grabowski 02	PPPI's Business Proposal for National Beef	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 250	10/20/1999	PPPI 011026-011138		Pechiney Agreement with Kraft Foods, Inc	FRE 402 (relevance), FRE 403, FRE 801/802 (hearsay), MIL	FRE 402, 403, 801, 803(6); Pending Agreement; R-MIL
DX 251	11/01/1999	PPPI 014079-014088	Taylor 30(b)(6) 04	Supply Agreement between Pechiney and Great Lakes Cheese Company	FRE 402 (relevance), FRE 403, FRE 801/802 (hearsay), MIL	FRE 402, 403, 801, 803(6); Pending Agreement; R-MIL
DX 252	11/10/1999	NBW 00273	Wilkerson 29	Email Wilkerson-to-Devall re Meeting Agenda		
DX 253	12/15/1999	CR035-005141- 005142	Garland 05	Email Mumpower-to-Walters re Timeline of LID Film and High Abuse BDF Film Development		
DX 254	01/17/2000	CR061-000022- 000026	Delly 35	W.R. Grace & Co. Comm, then Cryovac, and Viskase Cross License Agreement		
DX 255	01/24/2000	CR004-000439- 000440	Delly 47; Wilkerson 03	Letter from Mize to Wilkerson re Agreement (01.24.00)		
DX 256	01/24/2000	CR006-001546- 001547		Letter from Mize to Schwarte re Purchasing Agreement to Combine Farmland and National Beef contingent on minimum annual purchases of \$30 million	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 257	02/18/2000	CR006-004332- 470		Cryovac Manual: Food Marketing Programs 2000		
DX 258	05/17/2000	CR006-001584		Email from Devall to Mize re Packaging Increase	FRE 106 (completeness), FRE 402 (relevance)	FRE 106, FRCP 26
DX 258A	05/17/2000	CR006-001584- 001589		Email from Devall to Mize re Packaging Increase (Complete as produced)	FRE 402 (relevance)	FRE 402

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 259	08/22/2000	CR006-009529-539	Deily 45	Rebates and Formula Pricing	FRE 402 (relevance), FRE 403	FRE 402, 403
DX 260	08/31/2000	CR061-000020-000021	Deily 34	Acceptance of Cross License Agreement		
DX 261	10/01/2000	CR006-001955-001977	Deily 19	Conagra Contract	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 262	10/03/2000	CR006-002532-002-003	Deily 13	Letter documenting agreement between Greater Omaha Packing and Cryovac, Inc.	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 263	11/02/2000	PPPI 011205-011283		Agreement between Pechiney Plastic Packaging, Inc. (PPPI) and Pechiney Emballage Flexible Europe (PEFE)	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 264	01/12/2001	CR006-004137-185		Top Customers: Dec. YTD - 01/12/2001	FRE 402 (relevance), FRE 403, MIL, MD (multiple docs), FRE 901 (authentication)	FRE 402, 403, 803(6), NMD; Pending Agreement; R-MIL
DX 265	02/19/2001	CR035-005149-005156	Garland 16	Memo Barmore-to-Brady/Calvert/Cook/Herran /Konczal/Mueller/ Mumpower/Mungo/Reviere/Stockley/Tro utt/Williams/Wolf re Case Ready Ideation Results		
DX 266	02/20/2001	PPPI 012531-012549	Grabowski 03; Taylor 21; Kitchel 01	Pechiney's Business Proposal for National Beef	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 267	04/17/2001	NBJ 00649	Wilkerson 04	Shrink Bag Report	FRE 801/802 (hearsay), FRE 402 (relevance), FRE 403, FRE 901 (authentication)	Pending Agreement; FRE 402, 403, 803(6)
DX 268	04/18/2001	PPPI 007273 - 007276	Douglas 01	PPPI Boneguard Development Report	FRE 801/802 (hearsay), FRE 901 (authentication)	Pending Agreement; FRE 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 269	04/18/2001	PPPI 002566-002569		PPPI Boneguard Development	FRE 801/802 (hearsay), FRE 901 (authentication)	Pending Agreement; FRE 803(6)
DX 270	04/25/2001	PPPI 007513	Buelow 07	Email Christenson-to-Douglas, Buelow re Boneguard Project	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 271	04/25/2001	PPPI 003649	Buelow 08	R&D Project Business Evaluation (Filled out by Marketing) regarding opportunity for Boneguard shrink bags with various customers.		
DX 272	04/25/2001	PPPI 007481 - 007482	Douglas 02; Taylor 01	R&D Project Business Evaluation Plastic Packaging	FRE 801/802 (hearsay), FRE 901 (as to handwriting), NBD (error in Bates numbers)	Pending Agreement; FRE 803(6)
DX 273	05/01/2001	PPPI-E 037195-037197	Buelow 11	Experiment and Development Order No. 14054-01 re Boneguard Development	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 274	05/01/2001	PPPI-E 036681-036688	Buelow 12	Experiment and Development Order No. 14055-01 re Cast Boneguard Development	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 275	05/16/2001	PPPI 003672 - 003681	Douglas 03; Buelow 10	Experiment and Development Order No. 14053-01 re TWQ Boneguard Bag Development	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 276	05/16/2001	PPPI 007686-007698		Experiment and Development Order	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 277	05/30/2001	PPPI 003667 - 003668	Douglas 05	Meat & Dairy Product Development, Key Project Update Re : Boneguard Development	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 278	06/15/2001	CR014-000373- 000374		Letter from Dely to Nelson re Agreement between Cryovac and Hormel	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 279	06/20/2001	PPPI 002570-002571		Excel Boneguard Trial Results 06/20/2001	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 280	07/06/2001	PPPI-E 045594-045595	Buelow 15	Pechiney Memo Grabowski-to-Bob Taylor, Bonn, Kavanagh, Pugh, Buelow, Douglas, Ron Taylor re Boneguard Bags	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 281	07/13/2001	PPPI 002572 - 002573	Douglas 04	Email Douglas-to-Buelow re: New Boneguard Concept, to proposing a new (or at least additional) path for Boneguard development project.	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 282	07/19/2001	NBW 00270	Wilkerson 31	Letter Mize-to-Wilkerson re Documentation of Amendment to Current Packaging Agreement		
DX 283	08/01/2001	CR004-000424 - 000425	Gardner 23;Delly 48	Memo Mize-to-Boland re National Beef Agreement		
DX 284	08/21/2001	PPPI 002559	Buelow 26;Douglas 06	Email Kitchel-to-Buelow, Galloway, Bonn, Lind, Douglas, R. Taylor, Grabowski, Galloway re Boneguard Meeting at NTC & Kitchel Orientation to NTC	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 286	09/17/2001	PPPI 007880 - 007888	Douglas 07	"Notes from Boneguard Meeting Notes , 9-17-01, Des Moines Plant Attendees: Dane Buelow , Mike Douglas , Keith Lind, Frank Kitchel, Tom Grabowski, Dennis Bonn, Bob Taylor, Ron Taylor"	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 287	10/08/2001	CR035-001434- 001436	Delly 07	Letter Delly-to-Rupp re: Excel bag pricing agreement	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 288	11/19/2001	C100-000146-00 0147	Wilson 02	Letter Mize-to-Hughes re Extending Current Agreement for 2 years between Cryovac and Nebraska Beef, Ltd.	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 289	11/24/2001	PPPI 008166-008170		Boneguard Update	FRE 801/802 (hearsay), FRE 901 (authentication), FRE 403 (jury confusion)	Pending Agreement; FRE 403, 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 290	12/12/2001	PPPI 007684 - 007685	Douglas 08; Taylor 03	Report on Boneguard Trial. 2- 100 piece scale-up trials on BI Strips and Shortloins using the 'Sleeve Concept'.	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 291	12/14/2001	CR010-006935 - 006944	Mize 17	Cryovac Memo Mize - to - Deily, Stockley, Carson, Starnes, Henderson, Ritter, Hardin, Allen, Wolford, Franzreb re Fresh Red Meat Analysis	FRE 402 (relevance)	FRE 402
DX 292	01/01/2002	PPPI 010615-618		2002 Webster's Dictionary Pages	FRE 402 (relevance), FRE 403 (jury confusion), MIL	FRE 402, 403; R-MIL
DX 293	01/17/2002	CR004-000411 - 000412	Gardner 24; York 08	Letter Deily-to-Wilkerson to serve as documentation of current packaging agreement		
DX 294	01/23/2002	PPPI 002237 - 002244	Douglas 09	Email Schlosser-to-Douglas re: Double bubble lines	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 295	02/27/2002	C200-000662-66		Benning Library Card	FRE 901 (authentication), FRE 801/802 (hearsay), FRE 106 (completeness)	FRE 106, 801, 901
DX 295A	02/27/2002	C200-000410-00 0664		Library card w/ information for: "Shrink, Stretch and Laminated Films in Packaging" by Calvin J. Benning. (Complete as produced)	FRE 801/802 (hearsay), FRE 403	FRE 403, 801
DX 296	02/27/2002	PPPI 002306-002307		02/27/0000 Engineering Update	FRE 106 (completeness), FRE 901 (authentication), FRE 801/802 (hearsay)	FRE 106, 801
DX 297	03/13/2002	PPPI 005799 - 05800	Douglas 10	Handwritten notes seeming to compare Boneguard product to competitors (Envairil, Cryovac et. al)	NBD	
DX 298A	03/13/2002	PPPI 005801-005802		Boneguard Review handwritten notes	FRE 801/802 (hearsay), MD (multiple docs)	Pending Agreement

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 298b	12/14/2001	PPPI 005803		Email from Douglas re Boneguard Brainstorming Session	FRE 801/802 (hearsay), MD (multiple docs)	Pending Agreement; FRE 803(6)
DX 298c	00/00/0000	PPPI 005804		Boneguard Development Spreadsheet	FRE 801/802 (hearsay), MD (multiple docs)	Pending Agreement; FRE 803(6)
DX 298d	00/00/0000	PPPI 005805-005806		PPPI Structures and Competitive Graphs	FRE 801/802 (hearsay), MD (multiple docs)	Pending Agreement; FRE 803(6)
DX 299	03/21/2002	PPPI 008124-008126		Kick off Meeting 09/24/0000 Noon		
DX 300	03/27/2002	PPPI 003877 - 003886	Douglas 11	Kuhne letter to Pechiney following up triple bubble presentation.		
DX 301A	04/04/2002	CR008-000382-000383		Cryovac Memo from Stockley to Mize and Grams re Competitive Information - Curwood Side-Seal Boneguard Bags (Complete as produced)	MD (multiple docs), FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 301B	08/13/2003	CR004-004055-004060		TBG Operations Meeting - Iowa Park, TX Minutes and Agenda	MD (multiple docs), FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 301C	08/12/2004	CR046-000932, CR006-002465-002466		TBG Operations Meeting - Iowa Park, TX Minutes and Agenda	MD (multiple docs), FRE 402 (relevance), FRE 403 (jury confusion)	FRE 402, 403
DX 302	04/11/2002	CR006 000318-000321	Mize 18	Cryovac Memo from Smith to Mize, Grams, York re Print Issues	FRE 402 (relevance), FRCP 26	FRE 402
DX 303	04/26/2002	PPPI-E 036694-036696	Buelow 13	Experiment and Development Order No. 14066-02 re Laminated Boneguard		
DX 304	05/23/2002	PPPI-E 036839-036844	Buelow 14	Invention Disclosure re Laminated Boneguard	FRE 402 (relevance), FRE 403, FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403, 803(6)
DX 305	06/05/2002	PPPI 005794 - 005797	Douglas 12	Notes of Douglas and Castalli observations of Kuhne shrink trials.		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 306	06/10/2002	PPPI 005791-005793		Kuhne	NBD, FRE 801/802 (hearsay), FRE 901 (authentication)	FRE 801, 901
DX 307	06/12/2002	PPPI 007976-007980		Investigate 5 Layer Triple Bubble Process for Suitability as a Boneguard Solution	NBD	
DX 308	07/15/2002	PPPI-E 049505	Taylor 06	Email B. Taylor-to-Douglas, Buelow, Bonn, Kitchel, Dominique re Kuhne Final Report		
DX 309	07/17/2002	PPPI 005775 - 005783	Douglas 13	Email Douglas-to-Pechiney Personnel re: Kuhne trial results		
DX 310	07/18/2002	PPPI-E 0049505	Taylor 05; Kitchel 03	Email B. Taylor-to-Douglas, Buelow, Bonn, Kitchel, Dominique re Kuhne Final Report	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 311	07/19/2002	CR006-003798- 003799	Deily 10; Wilson 11	Letter documenting agreement between Brawley Beef and Cryovac, Inc.	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403, R-MIL
DX 312	07/24/2002		S. James 04	Cryovac Memo Smith-to-Grande, Woods, Wilkerson, James, Saunders, Raby, York, Kayes re Semi-Boneless Chuck Product Audits	FRE 402 (relevance), FRE 403, FRCP 26	FRE 402, 403
DX 313	08/02/2002	PPPI 002462-002464	Taylor 04	Pechiney Memo Davidson-to-Blenberg, Bonn, Buelow, Castellani, Cockrell, Cox, Douglas, Galloway, Grabenbauer, Jesse, Kitchel, Leggett, Lind, Meinke, Meyer, Pezzoli, Shudy, B. Taylor, R. Taylor re Pilot Shrink Line & Commercial Bone-In Line Meeting Minutes 07/31/2002-08/01/2002	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 315	08/05/2002	PPPI 005773 - 005774	Douglas 14	Email Douglas-to-Buelow/Pechiney re: Bone- in Meat Test - Schuyler 7/25/02	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 316	08/21/2002	CR006-002853-2859		TBG Summit - Iowa Park, TX (08.20-21.02)		
DX 317	08/23/2002	CR006-001151-001154		Market Justification and Strategy for Rolled Serrated Bags	FRE 901 (authentication), FRE 403 (jury confusion), FRE 402 (relevance)	FRE 402, 403, 901
DX 318	09/12/2002	PPPI 002407-002414		Offer Number A02 / 051 for 7 Layer Film Blowing Plant KAB 35-30-60-35-60-30-35 / 700 for the Production of BI - Axially Oriented 7 Layer Shrink Bags from PE / PA / EVOH	FRE 901 (authentication), FRE 801/802 (hearsay)	FRE 801, 901
DX 319	09/18/2002	PPPI 004111-0041115	Taylor 07; Mueller 2	Email Kitchel-to-Douglas, Blumberg, Mueller, Davison, Steen, Shudy, Cox, Grabowski, R. Taylor, B. Taylor, Bonn, Kavanagh, Dominique, Leggett, Heavican, Pugh, Goetsch re Project Lari Meeting Notice	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 320	09/18/2002	PPPI 002443-002444		Project Lari Meeting Notice	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 321	09/20/2002	PPPI 013932-01934		Email from Kaas to Duncan re Boneguard Patent Search (09.20.02)	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 322	09/20/2002	PPPI 002437-002438		Project Lari	FRE 801/802 (hearsay), NBD (incomplete)	Pending Agreement; FRE 803(6)
DX 323	09/24/2002	PPPI 002431 - 002432	Kitchel 04; Buelow 09	Email Buelow - to - Kitchel re Project Lari Meeting Notice	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 324	09/24/2002	PPPI 002433-002435		Lari Meeting 09/24/2002 NTC	FRE 402 (relevance), FRE 801/802 (hearsay), FRE 901 (authentication)	Pending Agreement; FRE 402, 803(6)
DX 325	10/01/2002	PPPI 002417		Project Lari 10/01/2002 Development of a New Material for Project Lari Initial Target of the Barrier Material Development	FRE 901 (authentication), FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 326	10/07/2002	PPPI 002644-002648	Buelow 17	Lari Team Meeting Notes	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 328	10/07/2002	B 2371-2373	Mount 21	Mount Exhibit 21: Minutes to Pechiney Project Lari Meeting (10.07.02)	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 329	10/07/2002	PPPI 004092-004093	Taylor 08	Lari Meeting Agenda in Chicago		
DX 330	10/07/2002	PPPI 002436		Lari Meeting 10/07/0000 Chicago IL		
DX 331	10/10/2002	PPPI 013266-268	Company 06	10/10/2002 Meeting with Attorney's Duncan and Sherrer: PPPI 013266-68	FRE 801/802 (hearsay)	FRE 801, 803
DX 332	10/10/2002	A 1785-1787		10/10/2002 Project Lari Meeting re Patents: PPPI 013269-71	FRE 801/802 (hearsay), NBD, FRE 901 (authentication)	Pending Agreement; FRE 801
DX 333	10/16/2002	PPPI-E 049000-049013	Mueller 03	Spreadsheet of Project Lari Task Timeline	FRE 901 (authentication), FRE 403 (jury confusion), FRE 402 (relevance)	Pending Agreement, FRE 402, 403, 803(6)
DX 334	10/18/2002	PPPI 003818 - 003824	Kitchel 05	Email Bob Taylor - to - Menary, Kitchel, Bonn, Buelow, Cox, Dominique re First Down Payment for Bi-oriented Food Packaging Films Line	FRE 901 (authentication), FRE 801/802 (hearsay), MD (multiple docs)	Pending Agreement; FRE 803(6), NMD
DX 335	10/21/2002	PPPI 003802-003808		Engineering Update Project Lari	FRE 402 (relevance), FRE 901 (authentication), FRE 403 (jury confusion)	Pending Agreement; FRE 402, 403, 803(6)
DX 336	10/22/2002	PPPI-E 045716-045717	Mueller 04	Lari Team Meeting Agenda	FRE 801/802 (hearsay), FRE 106 (completeness)	Pending Agreement; FRE 106
DX 337	10/22/2002	PPPI 002379-002380		Lari Team Meeting 10/22/2002 NTC	FRE 801/802 (hearsay), FRE 901 (as to handwriting)	Pending Agreement; FRE 803(6)
DX 339	11/04/2002	CR004-000423	Delly 27	Email Gardner-to-Terlizzi, Mize, Delly, York re Business: Extension of Deal		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 340	11/04/2002	C100-000077	Deily 29; Wilkerson 06	Email from Wilkerson to Gardner, York re Business (11.04.02)	FRE 106 (completeness)	FRE 106, FRCP 26
DX 340A	11/04/2002	C100-000077-000079	Deily 29; Wilkerson 06	Email from Wilkerson to Gardner, York re Business (11.04.02) (Complete as produced)		
DX 341	11/12/2002	PPPI 002702-002704	Taylor 10	Lari Team Meeting 11/12/0000, NTC, Agenda and Notes	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 343	12/02/2002	PPPI 004013-004014		Lari Team Meeting 12/02/2002 Chicago	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 344	12/04/2002	PPPI 008164 - 008165	Douglas 16	Email Douglas-to-Kitchel regarding comparative analysis of materials/techniques, and RFA information		
DX 345	12/04/2002	PPPI-E 057073 - 057093	Kitchel 02	Frank Kitchel's 2003 Shrink Bags Business Plan	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 346	12/12/2002	PPPI 013264-013265	Company 07	Table of Project Lari Summary of Patents	FRE 1003 (illegible), FRE 801/802 (hearsay)	FRE 801, 1003
DX 347	12/12/2002	PPPI 003991-004012		Project Lari New Site Selection Process Operations Progress Update Report	FRE 801/802 (hearsay), FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion)	Pending Agreement; FRE 402, 403, 803(6)
DX 348	12/23/2002	CRYO B 074-076; PPPI A 1778; NBW 00193	Deily 25; Wilkerson 07	Email from Wilkerson - to - York re Meeting/Agreement Issues (12.23.02)		
DX 349	00/00/2003	PPPI 003158-003164		New Clearshield Bone in Shrink Bags Offers Peerless Patchless Puncture Protection	FRE 801/802 (hearsay), MD (multiple docs)	NMD, FRE 801
DX 350	01/03/2003	CR0014-000663 - 000664	York 10; Mize 11	Email York-to-Mize, Terlizzi, Gardner re Meeting/Agreement Issues		

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 351	01/07/2003	PPPI 013256-013258		Email re 01/06/2003 Conference Call Minutes	FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403, 803(6)
DX 352	01/15/2003	PPPI 002968-977	Mueller 12; Taylor 15	Statistical Problem Solving Update by Mueller (01.15.03)	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 353	01/20/2003	NBW 00253	Wilkerson 08	Email from Wilkerson - to - York re Agreement (01.20.03)		
DX 354	01/27/2003	CR004-001601 -001603	Deily 16	Letter documenting agreement between Seaboard Farms and Cryovac, Inc.	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 355	02/10/2003	PPPI 002266-002283	Buelow 19; Mueller 08	Memo Buelow, Douglas, Mueller-to-Project Lari Team re Project Report - Project Lari Trial and Kuhne - Week of 02/03/2003	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 356	02/10/2003	PPPI 007716-718		Laboratory Request - Project #403499	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 357	02/10/2003	PPPI 002314-002331		Project Report Project Lari Trial at Kuhne Week of 02/10/2003	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 358	02/18/2003	PPPI 008016	Mueller 07	Handwritten Notes re Next Lari Trial	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403, 803(6)
DX 359	02/20/2003	NBW 00166-00167	Wilkerson 33	Wilkerson Deposition Exhibit 33: Email from York to Grandy, Wilkerson re Cryovac Pricing for Plastic Tray to National Beef (02.20.03)		
DX 360	02/22/2003	B 138-140	Wilkerson 36	Email from York to Gandy, Wilkerson re Breakdown of New Agreement Proposal for NBP (02.22.03)		
DX 361	02/24/2003	PPPI 003832	Douglas 17	Email Von der Heyden-to-Pechiney re: line/production specs	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 362	03/03/2003	CR035-002631-002632	Wilkerson 34; Delly 21; James 08; Wilkerson 10	Letter Dely to Wilkerson, Whisenant, Bolland, York, Smith re Documentation of Current Packaging Agreement		
DX 363	03/10/2003	PPPI 005942-5947		Lari Trials at Kuhne (03.10.03) Notes; Laboratory Request No. 403499 (02.10.03); Email from Douglas to Kitchel and Buelow re RFA Information (12.04.02); Memo from Company re Project Lari RFA Approval (03.26.03)		
DX 364	03/10/2003	PPPI 002044-002048		Trial results for different product variables	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 365	03/10/2003	PPPI 002982-003003		Kuhne Trial Notes - Trial results for different product variables	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 366	03/13/2003	PPPI 003752-003753		PPPI Memo re: Kuhne Re-Quote Meeting 03/13/2003	FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay), FRE 901 (authentication)	Pending Agreement; FRE 402, 403, 803(6)
DX 367	03/20/2003	PPPI 007821 - 007823	Douglas 19; Mueller 9; Buelow 20	Buelow/Douglas/Mueller to Lari Trial Team re: Project Lari 7 layer Trial at Kuhne	FRE 901 (authentication)	FRE 901
DX 368	03/20/2003	NBW 00267	Tortious Int. J; Wilkerson 09	Email from Wilkerson - to - York re Agreement (03.20.03)		
DX 369	04/01/2003	PPPI 005918-005919		Performance Warranty Specification for Kuhne 7 - Layer Shrink Bag Line	FRE 402 (relevance), FRE 403 (jury confusion), FRE 901 (authentication)	Pending Agreement; FRE 402, 403
DX 370	04/03/2003	C100-000058-000059	Delly 31	2003 Price Increase Impact on NBP		
DX 371	04/03/2003	PPPI 007652	Douglas 20	"Available Lari Trial Rolls From Feb '03 Germany Trip"	FRE 801/802 (hearsay)	FRE 801

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 372	04/07/2003	PPPI 014117-121	Taylor 30(b)(6) 2	Pechiney Supply Agreement with Associated Milk Producers (04.07.03)	FRE 801/802 (hearsay), FRE 402 (relevance), FRE 403, MIL	Pending Agreement; FRE 402, 403, 803(6); R-MIL
DX 373	04/10/2003	CR035-002630-002632	Mize 12; Nawrocki 11; York 10	Cryovac Memo from Mize to Boland; Whisenant; Smith; Gardner; Delfy; Terlizzi; Ryan re National Beef Agreement (04.10.03)		
DX 374	04/11/2003	PPPI 007650 - 007651	Douglas 21	Douglas-to-Pechiney Re: PPDI LARI Bag Trials 4/8/03	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 375	04/11/2003	C 2616-2617; C100-000141-000142	Wilson 3	Cryovac Non-Binding Agreement: Hatfield Quality Meats (04/11/2003)	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403, R-MIL
DX 376	04/17/2003	PPPI 005884 - 005899	Kitchel 07	Email Kitchel - to - Blenberg, Steen, Mueller, Bonn, Buelow, Killam, Shudy, Murray, Ghale, Theimer, Bogran, Dominique, Cox, Douglas, Hoover, Menary, Leggett, Davidson, Kanther, Ron Taylor, Grabowski re RFA Update	FRE 801/802 (hearsay), FRE 402 (relevance)	Pending Agreement; FRE 402, 803(6)
DX 377	04/21/2003	C100-000145	Wilson 04	Letter Mize-to-Henderson re Packaging Agreement between Cryovac and B3R Country Meats	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL
DX 378	04/22/2003	PPPI 005900	Kitchel 08	Handwritten Lari Mtg/Call Notes	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 379	04/23/2003	PPPI 008230-008295	Kitchel 06; Taylor 16; Grabowski 05; Company 02	Ilene Gordon Notes for Project Lari RFA and Associated Documents		
DX 380	04/24/2003	PPPI 013229-013230		Pechiney memo re Project Lari legal Update	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 381	04/25/2003	CR004-000773-000774	Wilson 05	Letter Mize-to-Beck re Amended Agreement between Cryovac and Brawley Beef	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403; R-MIL

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.

## Pechiney's Exhibit List - Reasons for Admissibility

DX	DATE	BATES RANGE	DEP EXHIBIT	DESCRIPTION	OBJECTIONS	REASONS FOR ADMISSION
DX 382	04/27/2003	C100-000058 - 000064	York 11	2003 Price Increase Impact on NBP		
DX 383	04/28/2003	PPPI 012723-012796	Company 03	Non-Infringement Opinion by McDermott, Will & Emery (04.28.03)	FRE 801/802 (hearsay)	FRE 801
DX 384	04/29/2003	PPPI-E 045130-134	Taylor 17	Draft of Project Lari RFA: \$9MM Investment for a Bone-In Shrink Bag Mfg Facility	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 385	04/29/2003	PPPI 013231-013232	Company 05	04/29/03 PPPI Memo re Project Lari Legal Update	FRE 801/802 (hearsay)	Pending Agreement; FRE 801, 803(6)
DX 386	05/05/2003	PPPI 008205-008226		Project Lari Implementation and Start Up Risk Mitigation Highlights	FRE 901 (authentication), FRE 801/802 (hearsay), FRE 403 (jury confusion)	Pending Agreement; FRE 403, 803(6)
DX 387	05/07/2003	PPPI 005865-005877	Buelow 21	Letter Study-to-Schiffman, Douglas, Davidson, Buelow, Mueller, Blumberg re Resin Viscosity Curves Letter Study-to-Schiffman, Douglas, Davidson, Buelow, Mueller, Blumberg re Resin Viscosity Curves Letter Study-to-Schiffman, Douglas, Davidson, Buelow, Mueller, Blumberg re Resin Viscosity Curves Letter from Study to Schiffman, Douglas, Davidson, Buelow, Mueller, Blumberg re Resin Viscosity Curves	FRE 801/802 (hearsay), FRE 403 (jury confusion)	Pending Agreement; FRE 403, 803(6)
DX 388	05/08/2003	PPPI 003318 - 003319	Douglas 22	Handwritten notes from Project Lari Meeting re: September trials, materials, spending forecasts.	FRE 801/802 (hearsay)	Pending Agreement; FRE 803(6)
DX 389	05/12/2003	CR006-002829-002832	Deily 14	Letter documenting agreement between Hormel and Cryovac, Inc.	FRE 402 (relevance), FRE 403, MIL	FRE 402, 403, R-MIL
DX 390	05/12/2003	PPPI 005057-005090		Functional Leaders Kick off Meeting Project Overview	FRE 901 (authentication), FRE 402 (relevance), FRE 403 (jury confusion), FRE 801/802 (hearsay)	Pending Agreement; FRE 402, 403, 803(6)

\* - Based on the Court's recent rulings on patent infringement, we intend to remove from our list exhibits relating solely to that issue. While we intend to complete this project as promptly as possible, it cannot be completed by 2:00 p.m. today, the time the parties agreed to exchange exhibit lists containing the authority relied upon by the proponent of each exhibit that is subject to objections.